



City of Palo Alto

City Council Staff Report

(ID # 11028)

Report Type: Consent Calendar

Meeting Date: 2/24/2020

Summary Title: Second Reading: Safe Parking

Title: SECOND READING: Adoption of an Interim Ordinance Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Temporarily Allow Overnight Safe Parking on Sites in All Zoning Districts With a Church or Religious Institution; Establishing Related Regulations, and Finding the Ordinance Exempt From California Environmental Quality Act (CEQA) Under Guidelines Section 15301 (FIRST READING: January 13, 2020, PASSED 7-0)

From: City Manager

Lead Department: Planning and Development Services

Recommendation

Staff recommends that the City Council:

- (a) Find the proposed Ordinance exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines; and
- (b) Adopt an Interim Ordinance (Attachment A) Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Temporarily Allow Overnight Safe Parking as an Ancillary Use to a Church and Religious Institutions Use in All Zoning Districts Where Churches and Religious Institutions are an Allowed Use, and Establishing Temporary Regulations Related to Safe Parking, Including a Maximum Number of Vehicles Per Night on Each Site.

Executive Summary

This Ordinance was first heard by the City Council on January 13, 2020, where it was adopted unanimously with two changes:

- (i) Establish a pilot period of 18 months; and
- (ii) Remove the sunset provision.

Minutes from the Council meeting are [available online](#).¹ The ordinance was ultimately adopted with a vote of 7-0. It is now before the Council for the second reading.

The attached ordinance (Attachment A) incorporates the Council-directed changes. The safe parking permit duration was modified to 18 months. The sunset date was removed; however, staff intends to return to Council with a safe parking ordinance to continue beyond this pilot period, informed by experience in implementing the pilot and after review by the Planning and Transportation Commission. The ordinance also includes other minor clarifications and technical corrections. All additions are shown in underline and deletions in strikethrough.

Safe parking refers to programs and places which allow households dwelling in their vehicles to park vehicles in a designated off-street parking lot overnight. The programs provide a place for the households to park during the evening and nighttime hours, as well as connect the households to services, and a path to stable, permanent housing. The programs aim to address the growing number of households in Palo Alto dwelling in vehicles.

Background

For more information regarding safe parking, and the development of this ordinance, please refer to the staff reports and minutes from prior Committee and Council meetings.

Meeting	Reports	Minutes
1-13-2020 City Council	https://www.cityofpaloalto.org/civicax/filebank/documents/74723	https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=41554.16&BlobID=74969
11-12-2019 Policy & Services Committee	https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=64421.64&BlobID=74001	https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=45151.19&BlobID=74755
9-10-2019 Policy & Services Committee Meeting	https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=53413.28&BlobID=73215	https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=48524.18&BlobID=73675
6-10-2019	Colleagues' Memorandum: https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=41728&BlobID=71688	https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=71062.13&BlobID=72707

¹ Minutes from January 13, 2020 City Council Meeting:
<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=41554.16&BlobID=74969>

Environmental Review

The Ordinance is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines, which applies to minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use. Adopting the Ordinance to allow the use of existing parking lots for temporary overnight safe parking would not constitute any significant expansion of use. CEQA Guidelines Section 15061(b)(3) also applies to the adoption of the Ordinance because it can be seen with certainty that there is no possibility that the activity of limited parking overnight in existing parking lots may have a significant effect on the environment.

Attachments:

Attachment A: Ordinance (PDF)

Ordinance No. _____

Interim Ordinance of the Council of the City of Palo Alto Amending Title 18
(Zoning) of the Palo Alto Municipal Code (PAMC) to Adopt Temporary
Regulations Relating to Safe Parking

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and declarations. The City Council finds and declares as follows:

- A. The number of households dwelling in vehicles has grown substantially in the past decade. The lack of stable, affordable housing and other life circumstances have contributed to this growth.
- B. On thoroughfares throughout the city, individuals, families, and households of many kinds can be found dwelling in recreational vehicles, trucks, vans, cars, and other motorized vehicles.
- C. The City must, for the health, safety, and welfare of the community, identify and implement short-term and long-term solutions that support these households as they pursue and ultimately secure affordable, stable housing. Safe parking programs, which offer off-street, authorized parking spots in parking lots for households dwelling in their vehicles, represent a short-term solution.
- D. Churches and other religious institutions have expressed a desire and willingness to make their parking areas available for safe parking programs. Allowing such legally operating churches and other religious institutions to host safe parking programs for up to four vehicles in their parking lots overnight provides assistance to homeless households as they seek and follow a path towards stable housing. The provision of such assistance is a use consistent with the mission and purpose of many congregations and religious institutions.
- E. The presence of four vehicles in such parking lots overnight and the accompanying administration of assistance is a minor additional use that would not conflict with the primary use of the properties nor threaten the health, safety, or welfare of the community or its inhabitants. The administration of such programs serves to enhance the health, safety, and welfare of the community.

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SECTION 2. The Accessory and Support Uses portion of Table 1 of Section 18.12.030 (Land Uses) of Chapter 18.12 (**R-1 Single-Family Residential District**) of Title 18 (Zoning) is hereby amended as follows:

18.12.030 Land Uses

The permitted and conditionally permitted uses for the single family residential districts are shown in Table 1:

**TABLE 1
PERMITTED AND CONDITIONALLY PERMITTED LOW-DENSITY RESIDENTIAL USES**

	R-1 and all R-1 Subdistricts	Subject to Regulations for:
ACCESSORY AND SUPPORT USES		
Accessory facilities and uses customarily incidental to permitted uses with no more than two plumbing fixtures and no kitchen facility, or of a size less than or equal to 200 square feet	P	18.04.030(a)(3) 18.12.080
Accessory facilities and uses customarily incidental to permitted uses with more than two plumbing fixtures (but with no kitchen), and in excess of 200 square feet in size, but excluding second dwelling units	CUP	18.12.080
Home occupations, when accessory to permitted residential uses	P	18.42.060
Horticulture, gardening, and growing of food products for consumption by occupants of the site	P	
Accessory Dwelling Units	p ⁽¹⁾	18.42.040
Junior Accessory Dwelling Unit	p ⁽¹⁾	18.42.040
<u>Safe Parking</u>		<u>18.42.160</u>
EDUCATIONAL, RELIGIOUS AND ASSEMBLY USES		
Private Educational Facilities	CUP	
Churches and Religious Institutions	CUP	
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SECTION 3. The Accessory and Support Uses portion of Table 1 of Section 18.13.030 (Land Uses) of Chapter 18.13 (**Multiple Family Residential (RM-20, RM-30 and RM-40) Districts**) of Title 18 (Zoning) is hereby amended as follows:

18.13.030 Land Uses

Table 1 specifies the permitted and conditionally permitted land uses in the multiple-family residence districts.

**TABLE 1
MULTIPLE FAMILY RESIDENTIAL USES
[P = Permitted Use • CUP = Conditional Use Permit Required]**

	RM-20	RM-30	RM-40	Subject to regulations in:
ACCESSORY AND SUPPORT USES				
Accessory Facilities and uses customarily incidental to permitted uses	P	P	P	Chapter 18.40
Accessory Dwelling Unit when accessory to permitted single-family residence	p ⁽¹⁾ & (4)	p ⁽¹⁾ & (4)	p ⁽²⁾ & (4)	18.42.040
Home Occupations, when accessory to permitted residential uses	P	P	P	Chapter 18.42
Horticulture, Gardening, and Growing of food products for consumption by occupants of a site	P	P	P	
Surface Parking Facilities located on abandoned railroad rights-of-way		CUP	CUP	
<u>Safe Parking</u>				<u>18.42.160</u>
EDUCATIONAL RELIGIOUS, AND ASSEMBLY USES				
Churches and Religious Institutions	CUP	CUP	CUP	
Private Clubs, Lodges, or Fraternal Organizations, excluding any such facility operated as a business for profit			CUP	
Private Educational Facilities	CUP	CUP	CUP	
...				

SECTION 4. The Accessory and Support Uses portion of Table 1 of subsection (a) of Section 18.16.040 (Land Uses) of Chapter 18.16 (**Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts**) of Title 18 (Zoning) is hereby amended as follows:

18.16.040 Land Uses

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(a) Commercial Zones and Land Uses

Permitted and conditionally permitted land uses for each commercial zone are shown in Table 1:

**TABLE 1
MULTIPLE FAMILY RESIDENTIAL USES
[P = Permitted Use • CUP = Conditional Use Permit Required]**

LAND USE	CN (4)	CC, CC(2)	CS (4)	Subject to Regulations In:
ACCESSORY AND SUPPORT USES				
Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use.	P	P	P	18.42
Drive-in services or take-out services associated with permitted uses ⁽³⁾	CUP	CUP	CUP	18.42
Tire, battery, and automotive service facilities, when operated incidental to a permitted retail service or shopping center having a gross floor area of more than 30,000 square feet.		CUP		18.42, 18.40.160
<u>Safe Parking</u>				<u>18.42.160</u>
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Business and Trade Schools		P	P	
Churches and Religious Institutions	P	P	P	
Private Educational Facilities	CUP	P	P	
Private Clubs, Lodges, or Fraternal Organizations	CUP	P	P	
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SECTION 5. The Accessory and Support Uses portion of Table 1 of Section 18.18.050 (Land Uses) of Chapter 18.18 (**Downtown Commercial (CD) District**) of Title 18 (Zoning) is hereby amended as follows:

18.18.050 Land Uses

TABLE 1
CD PERMITTED AND CONDITIONALLY PERMITTED USES
P = Permitted Use • CUP = Conditional Use Permit Required

	CD-C	CD-S	CD-N	Subject to Regulations In Chapter:
ACCESSORY AND SUPPORT USES				
Accessory facilities and activities associated with or essential to permitted uses, and operated incidental to the principal use	P	P	P	
Drive-in or Take-out Services associated with permitted uses ⁽²⁾	CUP	CUP	CUP	
Tire, battery, and automotive service facilities, when operated incidental to a permitted retail service or shopping center having a gross floor area of more than 30,000 square feet	CUP			18.40.160
Safe Parking				<u>18.42.160</u>
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Business and Trade Schools	P	P		
Churches and Religious Institutions	P	P	P	
Private Educational Facilities	P	P	CUP	
Private Clubs, Lodges, or Fraternal Organizations	P	P	CUP	
...				

SECTION 6. The Accessory and Support Uses portion of Table 1 of subsection (a) of Section 18.20.030 (Land Uses) of Chapter 18.20 (**Office, Research, and Manufacturing (MOR, ROLM, RP and GM) Districts**) of Title 18 (Zoning) is hereby amended as follows:

18.20.030 Land Uses

(a) Permitted and Conditionally Permitted Land Uses

Table 1 lists the land uses permitted or conditionally permitted in the industrial and manufacturing districts.

TABLE 1
Industrial/Manufacturing District Land Uses
[P = Permitted Use • CUP = Conditional Use Permit Required]

	MOR	ROLM ROLM(E)	RP RP(5)	GM	Subject to Regulations In Chapter:
ACCESSORY AND SUPPORT USES					
Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use.	P	P	P	P	Chs.18.40, 18.42
Automatic Teller Machines	P	P	P	P	18.20.030(d)
Home Occupations, when accessory to permitted residential uses.	P	P	P	P	Chs. 18.40, 18.42
Safe Parking					<u>18.42.160</u>
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES					
Business and Trade Schools				P	
Religious Institutions		P	P	P	
Colleges and Universities	P	P	P		
Private Clubs, Lodges, or Fraternal Organizations	CUP	CUP	CUP	CUP	
Private Schools (K-12)	CUP	CUP	CUP	CUP	
...					

SECTION 7. The Accessory and Support Uses portion of Table 1 of Section 18.28.040 (Land Uses) of Chapter 18.28 (**Special Purpose (PF, OS and AC) Districts**) of Title 18 (Zoning) is hereby amended as follows:

18.28.040 Land Uses

Table 1 shows the permitted (P) and conditionally permitted (CUP) land uses for the Special Purpose Districts.

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**TABLE 1
Land Uses**

	PF	OS	AC	Subject to Regulations In Chapter:
ACCESSORY AND SUPPORT USES				
Accessory facilities and accessory uses		P		Chs. 18.40, 18.42
Eating and drinking services in conjunction with a permitted use	CUP ⁽¹⁾			
Retail services as an accessory use to the administrative offices of a non-profit organization, provided that such retail services do not exceed 25% of the gross floor area of the combined administrative office services and retail service uses	CUP ⁽¹⁾			
Retail services in conjunction with a permitted use	CUP ⁽¹⁾			
Sale of agricultural products produced on the premises; provided, that no permanent commercial structure for the sale or processing of agricultural products shall be permitted.			P	
Accessory dwelling units, subject to regulations in Section 18.42.040			p ⁽²⁾	18.42.040
Junior accessory dwelling unit		p ⁽²⁾		18.42.040
<u>Safe Parking</u>				<u>18.42.160</u>
AGRICULTURAL AND OPEN SPACE USES				
Agricultural Uses, including animal husbandry, crops, dairying, horticulture, nurseries, livestock farming, tree farming, viticulture, and similar uses not inconsistent with the intent and purpose of this chapter		P	P	
Botanical conservatories, outdoor nature laboratories, and similar facilities		P		
Native wildlife sanctuaries		P		
Park uses and uses incidental to park operation	P			
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Business or trade schools	CUP ⁽¹⁾			
Churches and religious institutions	CUP ⁽¹⁾			
Educational, charitable, research, and philanthropic institutions		CUP		
Private educational facilities	CUP ⁽¹⁾			
Public or private colleges and universities and facilities appurtenant thereto	CUP			
Special education classes	CUP ⁽¹⁾			
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SECTION 8. The Accessory and Support Uses portion of Table 1 of Section 18.36.040 (Land Uses) of Chapter 18.36 (**Hospital (HD) District**) of Title 18 (Zoning) is hereby amended as follows:

18.36.040 Land Uses

The uses of land allowed by this chapter in the HD district are identified in the following table. Land uses that are not listed on the table are not allowed, except where otherwise noted. Permitted and conditionally permitted land uses for the HD district are shown in Table 1:

**TABLE 1
HD Permitted and Conditional Uses**

LAND USE	HD	Subject to Regulations in:
ACCESSORY AND SUPPORT USES		
Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use	P	Ch. 18.40, 18.42
Eating and drinking services in conjunction with a permitted use	P	
Retail services in conjunction with a permitted use	P	
<u>Safe Parking</u>		<u>18.42.160</u>
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES		
Churches and religious institutions	P	
Public or private colleges and universities and facilities appurtenant thereto	CUP	
...		

SECTION 9. Chapter 18.38 (**PC Planned Community District Regulations**) of Title 18 (Zoning) is hereby amended to add a new Section 18.38.180 (Safe Parking) to read as follows:

18.38.180 Safe Parking

Safe Parking in compliance with Section 18.42.160 of this code is allowed on any site in the PC district with a legal Church or Religious Institution use.

SECTION 10. Chapter 18.42 (**Standards for Special Uses**) of Title 18 (Zoning) is hereby amended to add a new Section 18.42.160 (Safe Parking) to read as follows:

18.42.160 Safe Parking

The following regulations apply to zoning districts where safe parking use is permitted.

(a) **Purpose**

The intent of this section is to establish regulations to govern the operation of safe parking programs at churches and religious institutions within the city of Palo Alto. The safe parking programs provide interim assistance to households using vehicles as their residence by providing a safe place to park, access to restroom facilities, connection to social service programs, and other support to transition households into permanent, stable housing.

(b) **Definitions**

- (1) "Safe Parking" means the providing of shelter of homeless persons as an incidental use to an existing, legal Church or Religious Institution use where the shelter is provided in vehicles located in designated paved Safe Parking Areas.
- (2) "Safe Parking Area" means the paved area where the vehicles are parked for the Safe Parking use.
- (3) "Safe Parking Program Operator" means an agency or organization that facilitates, administers, oversees, and provides staffing for Safe Parking uses in Safe Parking Areas.

(c) **Safe Parking Permit Required**

- (1) **Permit required.** No person shall operate, allow, permit or suffer a Safe Parking use without approval of a valid safe parking permit.
- (2) **Application requirements.** All applications pursuant to this Section shall be filed with the Director in a form prescribed by the Director. The application form shall contain a list of information that must be submitted in order for the application to be deemed complete.
- (3) **Receipt of application.** No application shall be deemed received until the following have been provided to the ~~Planning and Development Services~~ Director:
 - (i) An application fee as set forth in the Municipal Fee Schedule; and
 - (ii) All documents specified as part of the application in this Section or on the application form.

(d) **Decision and Appeal.** Notwithstanding the provisions of Chapter 18.77, the procedures of this Section shall apply to all safe parking permits.

- (1) **Authority and Findings.** The Director may approve a safe parking permit only after finding that:

- (i) The proposed Safe Parking use complies with the standards listed in subsection (f) of this Section ~~18.38.160~~ 18.42.160.
- (ii) The proposed Safe Parking use at the location requested will not adversely affect the health, safety, or welfare of persons residing or working in the surrounding area.
- (iii) The proposed site is adequate in size and shape to accommodate the Safe Parking use.

The application shall be denied where the information which is either submitted by the applicant or presented at the public hearing fails to satisfactorily substantiate such findings.

(2) **Decision by Director.**

- (i) The Director shall prepare a written decision to approve, approve with conditions, or deny the application.
- (ii) Notice of the Director's decision shall be given by mail to owners and residents of property within 600 feet of the subject property. The notice shall include the address of the property, a brief description of the proposed use, a brief description of the Director's decision, and a description of how to appeal the decision.
- (iii) The Director's decision shall become final fourteen (14) days after the date the notice is mailed unless an appeal is filed. The Director may, for good cause, specify in writing a longer period for requesting a hearing at the time ~~he or she~~ the Director issues the decision.

(3) **Filing of Appeal and Withdrawal.** Notwithstanding the provisions of Chapter 18.78, the process set forth in this subsection (d)(3) and subsections (d)(4)-(d)(5) below of this Section shall apply to appeals of the Director's decision on safe parking permits.

- (i) The applicant or subject property owner, or owners or residents of a property within 600 feet of the subject property, may file an appeal of the Director's decision by filing a written request with the City Clerk before the date the Director's decision becomes final. The written request shall be filed in a manner prescribed by the Director and shall be accompanied by a fee, as set forth in the Municipal Fee Schedule.
- (ii) At any time prior to the hearing, the person requesting the hearing may withdraw the request. If the hearing request is withdrawn and fourteen (14) days have lapsed from the mailing date of the notice under subsection ~~(iii)~~, (d)(2) above, the proposed Director's decision shall be final.

(4) **Decision by the City Council on Appeal.** If a timely appeal is received by the City Clerk, and not withdrawn, the Director's decision shall be placed on the consent calendar of the City Council within 45 days. The City Council may:

- (i) Adopt the findings and recommendation of the Director; or
- (ii) Remove the recommendation from the consent calendar, which shall require three votes, following which the City Council shall adopt findings and take action on the application.

(5) **Decision by the City Council Final.** The decision of the City Council on appeal is final.

(e) **Duration of Permits.**

Permits shall be valid for a period of up to 18 months unless suspended or revoked sooner as set forth in this Section.

~~(1) **Initial term.** Permits shall be valid for a period of up to 90 calendar days unless suspended or revoked sooner as set forth in this Section.~~

~~(2) **Extension term.** If the Director does not find any violation of the permit conditions or this Section during the initial 90-day period, the permit shall be automatically extended for up to an additional 270 calendar days.~~

~~(3) **Renewal term.** If the Director does not find any violation of the permit conditions or this Section during the 270-day extension period, the permit shall be renewed and be valid for a period of up to one year or the expiration of this interim Ordinance No. _____, whichever is earlier.~~

~~(4) **Expiration of interim ordinance.** In no event shall a permit be valid beyond the expiration date of interim Ordinance No. _____.~~

(f) **Standards and Conduct of Use**

The following standards shall apply to all Safe Parking uses:

- (1) **Qualifying site.** Safe Parking may be allowed on a parcel with an existing, legal Church or Religious Institution use.
- (2) **Number of vehicles.** At no time shall more than four (4) vehicles be used for Safe Parking.
- (3) **Hours of operation.** A Safe Parking use may only occur between the hours of 6:00 p.m. and 8:00 a.m.

- (4) **Noise.** Audio, video, generator, or other amplified sound that is audible outside the vehicles parked in the Safe Parking program is prohibited.
 - (5) **Shelter in vehicles.** All persons receiving Safe Parking shall shelter within the vehicles. No person shall be housed in tents, lean-tos, or other temporary facilities.
 - (6) **Required facilities.** Accessible restroom facilities, including a toilet and handwashing sink, shall be available to persons utilizing the site for Safe Parking at all times during the hours of operation. These facilities may be the existing onsite facilities or mobile facilities brought onsite on a temporary basis to serve persons utilizing Safe Parking.
 - (7) **Contact information.** The following emergency contact information shall be posted on site in a place readily visible to persons utilizing Safe Parking: (i) a contact phone number for the Safe Parking Program Operator; (ii) the police non-emergency phone number; and (iii) 911. The Safe Parking Program Operator shall be available at all hours of operation at the posted phone number and shall be the first contact for non-emergency matters.
 - (8) **Connection to county case management system.** The Safe Parking use shall be managed and operated by a Safe Parking Program Operator that participates in the federal Homeless Management Information System with Santa Clara County or other county.
 - (9) **Safe, clean, orderly premises.** The Safe Parking Area and other onsite areas accessed by persons utilizing Safe Parking shall be maintained in a safe, clean and orderly condition and manner.
 - (10) **Compliance with laws.** The Safe Parking use shall be operated in a manner that is fully in conformance with all State and local laws including regulations and permit requirements.
- (g) **No Assignment of Permit.** No person shall assign or transfer a safe parking program permit issued under this Section.
- (h) **Suspension, Revocation and Modification**
- (1) **Grounds for suspension, revocation or modification.** The Director may suspend, revoke or modify a permit, according to the procedures set forth in subsection (h)(2) below, if the Director finds that:
 - (i) Operation of the safe parking program violates any provision of this Section, other applicable provision of this Code, or state law; or
 - (ii) Operation of the safe parking program is detrimental to public health, safety or the general welfare.

(2) **Procedure for suspension, revocation or modification of approval.**

(i) **Public hearing by Director**

(a) **Notice to permit holder.** Whenever the Director believes that grounds for the suspension, revocation, or modification of a permit exist, the Director shall give the permit holder written notice of the date, time and place of a hearing to be held before the Director on whether the permit should be suspended, revoked, or modified. The notice shall state the alleged grounds for the proposed revocation, suspension or modification of the permit, and the notice shall be served on the permit holder by mail at least ten (10) days prior to the hearing at the most recent home or business address on file with the Planning and Development Services Department.

(b) **Notice to public.** Notice of the hearing shall be given at least ten (10) days prior to the hearing by mailing to all residents and owners of property within 600 feet of the subject property.

(ii) **Decision of the Director.**

(a) Within ten (10) days following the hearing, the Director shall prepare a written decision to revoke, suspend, modify, or leave unchanged the permit.

(b) Notice of the decision shall be provided by mail to the permit holder, by posting on the Planning and Development Services' Department's website and by email to other interested persons who requested notice to the Planning and Development Services Department.

(c) The Director's decision shall become final ten (10) days after the notice is mailed to the permit holder unless a timely appeal is filed.

(iii) **Request for appeal hearing.** The permit holder or subject property owner, or owners or residents of a property within 600 feet of the subject property may file an appeal of the Director's decision with the City Clerk. The appeal shall be filed in written form in a manner prescribed by the Director.

(iv) **Decision by the City Council on appeal.** If a timely appeal is received by the City Clerk, and not withdrawn, the Director's decision shall be placed on the consent calendar of the City Council within 45 days. The City Council may:

- (a) Adopt the findings and recommendation of the Director; or
- (b) Remove the recommendation from the consent calendar, which shall require three votes, following which the City Council shall adopt findings and take action on the application.
- (v) **Effective date of revocation, suspension or modification.** The decision of the City Council is final. The revocation, suspension or modification will be effective five (5) days after mailing of the decision addressed to the permit holder.

SECTION 11. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 12. The Council finds that the Ordinance is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines, which applies to minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use. Adopting the Ordinance to allow the use of existing parking lots for temporary overnight safe parking would not constitute any significant expansion of use. CEQA Guidelines Section 15061(b)(3) also applies to the adoption of the Ordinance because it can be seen with certainty that there is no possibility that the activity of limited parking overnight in existing parking lots may have a significant effect on the environment. The Council further finds that the potential exceptions to the categorical exemption in CEQA Guidelines Section 15300.2 are not applicable. Use of existing parking lots in the operation of temporary safe parking does not impose a significant cumulative impact over time as the use as a parking lot is generally unchanged and the safe parking use is limited to a short duration; it is not an unusual circumstance to modify the hours of use of existing facilities, and there is nothing unusual about the size or location of the existing parking lots at which temporary overnight safe parking would be allowed; the use of existing parking lots does not adversely impact scenic or historical resources; and the Ordinance does not involve hazardous sites as it relates to existing parking lots and no ground disturbance would result from implementation of the Ordinance.

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SECTION 13. This Ordinance shall be effective on the thirty-first date after the date of its adoption and shall expire upon adoption of replacement legislation by the City Council ~~or on March 1, 2022, whichever occurs first.~~ Upon expiration of this Ordinance, the City Clerk shall direct the City's codifier to update the Palo Alto Municipal Code as appropriate.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning & Development
Services